

REMARKS

The Examiner's Action mailed on October 28, 2004, has been received and its contents carefully considered. Additionally attached to this Amendment is a Petition for Two-month Extension of Time.

In this Amendment, Applicant has editorially amended the specification, and amended claim 4 into independent form. Additionally, claims 10 through 13 have been added to the application. Claims 1, 4 and 10 are the independent claims, and claims 1 through 13 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Examiner has objected to the disclosure for various informalities. In response, the disclosure has been amended to correct the informalities specifically raised by the Examiner's Action, as well as to correct other informalities noted during the review. It is requested that this objection be withdrawn.

It is noted with great appreciation that the Examiner considers the subject matter of claims 4 and 7 through 9 as being allowable over the art of record. In response, claim 4 has been re-written into independent form.

The Examiner has rejected claims 1 and 6 as being anticipated by *Kitano et al.* (US 2002/0124798 A1). It is submitted that these claims are *prima facie* patentably distinguishable over the cited reference for at least the following reasons.

It is well settled that a reference may anticipate a claim within the purview of 35 U.S.C. § 102 only if all the features and all the relationships recited in the claim are taught by the referenced structure either by clear disclosure or under the principle of inherency.

Applicant's independent claim 1 is directed to a photoresist applying device that includes an air-bubble collecting part provided on a photoresist flow passage of a nozzle pipe which is directly connected to a nozzle tip. This claimed invention is not disclosed by this cited reference.

Kitano et al. disclose a film forming unit which includes a discharge nozzle 85, as shown in figure 6. This reference further discloses that a supply pipe 92 is provided which is in communication with a store portion 90A, which is formed within the discharge nozzle 85. This reference discloses that a resist solution is stored within the store portion 90a, and supplied thereto via the supply pipe 92, as best shown in figure 8. This reference also discloses that the resist solution flows from the supply pipe 92 and into the store portion 90a, and then is discharged to a

wafer W from a discharging port 90b. This reference also discloses that a lid member 91 is provided with an outlet pipe 96 for letting out air bubbles that may accumulate in the upper portion of the store portion 90a.

However, and in contrast to the present invention, this reference does not disclose an air bubble collecting part provided in a photoresist flow passage of a nozzle pipe, as recited by claim 1. It is noted that the outlet pipe 96 is not disclosed as being a photoresist flow passage, as would be required by Applicant's independent claim 1. There is no disclosure from this reference that the photoresist flows in the outlet pipe 96, which would be required to equate the outlet pipe 96 as being a photoresist flow passage. Instead, *Kitano et al.* only disclose that the outlet pipe 96 is for letting out air bubbles which accumulate in the upper portion of the store portion 90a. As such, it is submitted that Applicant's independent claim 1 has not been anticipated by the cited reference. It is thus requested that this claim, as well as the claims dependent therefrom, be allowed and that this rejection be withdrawn.

The Examiner's Action has also rejected claims 2, 3 and 5 as being obvious over *Kitano et al.* in view of JP09206584. It is submitted that these claims are *prima facie* patentably distinguishable over the cited combination of references for at least the same reasons as independent claim 1, from which these claims

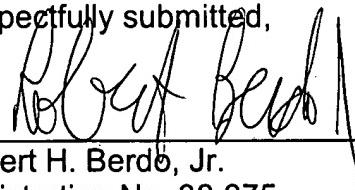
depend, as well as for the additional features recited therein. It is thus requested that these claims be allowed and that this rejection be withdrawn.

Applicant has added independent claim 10, which is submitted to be *prima facie* patentably distinguishable over the cited references, either taken alone or in any reasonable combination, since the cited references do not disclose or suggest the features recited within independent claim 10. It is thus requested that independent claim 10, and the claims dependent therefrom, be allowed.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Respectfully submitted,



Robert H. Berdo, Jr.
Registration No. 38,075
RABIN & BERDO, PC
Customer No. 23995
Telephone: 202-371-8976
Facsimile: 202-408-0924

March 16, 2005

Date

RHB:vm

AMENDMENT
Filed March 16, 2005

10/670,725